

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
STATESVILLE DIVISION  
5:07-CV-96

<b>JAMES C. MIZE, JR.,</b>	)
Plaintiff,	)
	)
v.	)
	)
<b>NEW VISION MINISTRIES OF</b>	)
<b>LINCOLNTON, INC.,</b>	)
Defendant and	)
Third-Party Plaintiff,	)
	)
v.	)
	)
<b>AMERICAN HERITAGE</b>	)
<b>INSTITUTIONAL SERVICES, INC.</b>	)
<b>AMERICAN HERITAGE CHURCH</b>	)
<b>FINANCE, INC., RICHARD HICKS,</b>	)
<b>AND JOHN GREER</b>	)
Third-Party Defendants.	)
	)

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**THIS MATTER** is before the court on Defendant/Third-Party Plaintiff New Vision Ministries' Motion for Voluntary Dismissal Without Prejudice (Document #53), filed January 26, 2009. In this motion, the Third-Party Plaintiff asks the court to dismiss all of its claims against the Third-Party Defendants in this lawsuit pursuant to FED. R. CIV. P. 41(a)(2). Although the Third-Party Defendants have filed answers to the Third-Party complaint, no counterclaims have been pled by any of the Third-Party Defendants. Furthermore, no Third-Party Defendant has filed an objection to dismissal of these claims. The claims of the Plaintiff against the Defendant/Third-Party Plaintiff in this case have already been dismissed with prejudice.

**WHEREFORE**, it is **ORDERED** that Defendant/Third-Party Plaintiff's Motion for Voluntary Dismissal Without Prejudice is **GRANTED**. All claims of Defendant/Third-Party Plaintiff

against Third-Party Defendants are hereby dismissed without prejudice.

Signed: March 16, 2009



Richard L. Voorhees  
United States District Judge

